

REMARKS

Following entry of this preliminary amendment, claims 18-40 are pending in this instant application. Sent herewith is a revocation and power of attorney form and a statement under 3.73(b), both of which have been duly executed by the client. The USPTO is respectfully requested to mail all correspondence about this application to the undersigned attorney at the address indicated on the last page of this preliminary amendment.

The undersigned attorney respectfully requests that the Examiner review all the prior art of record, and to base his decision on the patentability of the newly submitted claims only on the remarks made in connection with this preliminary amendment. The Examiner is respectfully requested to disregard the arguments or amendments made in previously filed papers.

The undersigned attorney wishes to thank the Examiner for indicating on page three of the December 7, 2006 Office Action that it “appears that the applicant’s invention [is] directed towards a process of assembling [that] would read over the prior art of record.” It is respectfully submitted that the new claims include this patentable subject matter in the context of a claim that is first directly infringed by, for example, the sale of a window or door assembly in disassembled form by a manufacturer. The claim also is directly infringed by, for example, the construction company that receives the disassembled window/door assembly from its manufacturer, and then assembles the unfinished assembly in the opening of a building.

Crafting the claims in this manner incorporates the patentable subject matter noted by the Examiner in a way that helps to maximize the economic value of any patent that is granted on this application. One reason for this is that it is easier to assert a direct infringement claim against a relatively small number of window/door companies that may infringe as opposed to asserting direct infringement claims against the likely extremely large number of construction

companies that may practice a claimed method.

As one example of why the newly submitted claims are believed to be patentable, all claims submitted include a functional description of structure of assembly components that give rise to certain benefits when the assembly is installed in an opening of a building. In particular, all new claims specify that a retractable material and a spring biased are capable of being installed in the first side of a frame to provide, when the assembly is mounted in and thereby encloses an opening of the building, access to the spring-biased roller and the retractable material for maintenance or repair purposes without having to remove any portion of the frame from the building.

Exemplary structure corresponding to this claim element is shown, for example, in Figure 35A of the instant application. Figure 35A also shows, for example, exemplary structure corresponding to the “cover” limitation recited in new dependent claims 34-35.

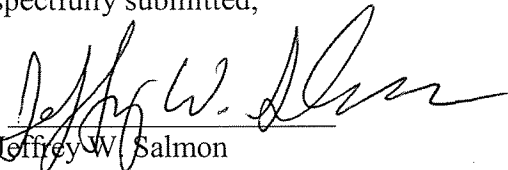
It is respectfully submitted that no prior art reference of record (such as, for example, the prior art specifically referenced in all previous Office Actions) teaches or suggests, for example, the above-described subject matter.

In view only of the arguments and amendments made in the instant application, it is respectfully submitted that the currently pending claims are in condition for allowance and, therefore, a formal notice to that effect is earnestly solicited. In this regard, the Examiner is respectfully requested to contact the undersigned attorney upon entry of this preliminary amendment.

A petition for a three-month extension of time is being submitted herewith, together with a request to charge the extension of time fee to the undersigned attorney's deposit account for the extension fee.

Respectfully submitted,

By:


Jeffrey W. Salmon

Reg. No. 37,435

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WELSH & KATZ, LTD.

120 South Riverside Plaza 22nd Floor

Chicago, Illinois 60606

Telephone: (312) 655-1500

Facsimile: (312) 655-1501

E-mail jwsalmon@welshkatz.com